

REMARKS

The Office Action mailed on January 27, 2003, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-20 were pending in the present application. Claims 21 and 22 have been added, claims 9, 14, and 18 have been amended, and claims 5 and 20 have been cancelled without prejudice or disclaimer. Therefore, claims 1-4 and 6-19 and 21-22 are now pending in the present application.

Applicants respectfully submit that the present application is in condition for allowance for the reasons that follow.

Drawing Objections and Specification Objections Relating to the Drawings

In the Office Action, the drawings were objected to because Fig. 18 should have been labeled "Related Art." Applicants submit amendments to the drawings with this response, and respectfully request reconsideration. This language has been added to Fig. 17 as well.

The specification was also objected to as containing "no apparent mention of Figures 17, 18 and 6a-d in the Detailed Description." Applicants have amended the specification as seen above, and respectfully request reconsideration in light of the above amendments.

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The above amendments are supported by the specification and the figures. For example, the addition of the language relating to Fig. 18 is supported directly in Fig. 18. Fig. 17 shows an electric resistance weld tube. The added description regarding Fig. 17 is supported on page 5, line 13 to page 6, line 5 and, in addition, in combination with Fig. 18.

The added language regarding Figs. 5 and 6a-6d is taken from the description bridging lines 18 to 30 on page 2 of the specification. See also support for figures 6a-d in table 1 on page 6 of the specification.

In sum, Applicants respectfully submit that no new matter has been added.

Specification Objections

In the Office Action, the specification was objected to as containing various informalities. Applicants respectfully request reconsideration of this objection in light of the above amendments.

Rejections Under 35 U.S.C. § 112, Second Paragraph

In the Office Action, claims 9-16 and 18-19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, Applicants have amended the claims, as seen above, and respectfully request reconsideration in view of the amendments.

Rejections Under 35 U.S.C. § 102

Claims 9-16 and 18-19 stand rejected under 35 U.S.C. § 102(b) as being variously anticipated by JP 5-65076, JP 61-291272 and JP 6-99870. In response, Applicants submit that the above claim set, as amended, is allowable for at least the following reasons, and respectfully reconsideration in light of the following remarks.

MPEP § 2131, entitled "Anticipation – Application of 35 U.S.C. 102(a), (b), and (e)," states that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claims 9 and 14-16 stand rejected in view of JP 61-291272. JP 61-291272 does not describe each and every element of amended claim 9. For example, JP 61-291272 does not teach a member having a thin wall portion and a thick wall portion,

*wherein the thin wall portion and the thick wall portion are monolithic with each other.*¹ While JP 61-291272 does teach members having thin and thick wall portions, these portions comprise inner panels 12 that are inscribed (or mated) in the outer panel 11 and then welded together.

In stark contrast to the inscription and welding of JP 61-291272, the present invention comprises a member having a thin wall portion (10b) and the thick wall portion (10a) that are monolithic with each other, thereby eliminating the need for welding. Because the thick and thin portions of the members of the present invention are not monolithic, JP 61-291272 cannot anticipate the present invention, and thus claim 9 is allowable in view of this reference. As claims 14-16 depend from claim 9, these claims are allowable as well.

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Claims 9-13 stand rejected in view of JP 6-99870. It is respectfully submitted that JP 6-99870 does not describe or otherwise teach a *pair* of cross members including a first and a second cross member spaced part from each other for connecting a pair of side members. JP 6-99870 depicts a member (6) connected to side members (5, 5) at the rear end (see Fig. 2). However, there is no second cross member that connects the side members, thus there is no *pair* of cross members, as required by claim 9. Head pipe (1) is plainly not a cross member. The "constitution" of the abstract for JP 6-99870 states that the head pipe (1) acts as a fulcrum, and it is clear that it is not a cross member, as would be interpreted by one of ordinary skill in the art.

Contrary to the teachings of JP 6-99870, the present invention, as embodied in claim 9, comprises a pair of cross members. Thus, because the JP 6-99870 reference is silent in regard to a second cross member, claim 9 is allowable in view of the cited references, and, as such, claims 10-13 are likewise allowable due at least to their dependency from claim 9.

¹ Figs. 2, 3, 4, 6 and lines 16 to 24 on page 4 of the specification provide support for this recitation.

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Claims 18-19 stand rejected as being anticipated in view of JP 5-65076. In response, Applicants have amended claim 18 to recite that the thickness of a part of one of the recited members is thicker in cross section than the cross-shaped portion. An exemplary embodiment of this can be seen in Figs. 14-16. For example, in Fig. 14, the circular wall 4 is thicker than the cross-shaped portion 5, and in Figs. 15 and 16, the "left" and "right" canted walls of the side member 40 are thicker than the canted cross-shaped portion 5.

It is respectfully submitted that the JP 5-65076 reference does not describe these elements. For example, each and every figure of the JP 5-65076 reference shows that the walls forming the various depicted structures are substantially the same in thickness, and the translation of the abstract does not disclose or suggest an alternative arrangement. Thus, claim 18 is allowable for at least the reason that the '076 reference does not teach the noted structures having different thickness as claimed. Claim 19 is allowable for at least the reason that it is dependent from claim 18.

New Claims

Applicants have added new claims 21-22. These claims are allowable for at least the pertinent reasons discussed above, such as with respect to claim 18. For example, claim 21 recites that one of the three members (e.g. one or both of the side members and/or the cross member) has a cross-shaped portion having cross walls, where a thickness of a portion of one of the walls forming one of the members is thicker than the thickness of one of the cross-walls of the cross-shaped portion. This is not shown in any of the references. Thus, claim 21 and its dependent claims are allowable. Support for these claims is found in the original claims and Figures 14-16, for example.

Conclusion

Applicants believe that the present application is in condition for allowance, and favorable reconsideration is requested.

If Applicants have not accounted for any fees required by this Amendment, the Commissioner is hereby authorized to charge to Deposit Account No. 19-0741. If Applicants have not accounted for a required extension of time under 37 C.F.R. § 1.136, that extension is requested and the corresponding fee should be charged to our Deposit Account.

Examiner Culbreth is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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By 

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